

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
SAN FRANCISCO DIVISION OF JUDGES**

**UNITE HERE! LOCAL 5  
Respondent**

**and**

**Cases 20-CB-163657  
20-CB-166055**

**AQUA-ASTON HOSPITALITY, LLC  
d/b/a WAIKIKI BEACH HOTEL AND  
HOTEL RENEW  
Charging Party.**

*Jeff Beerman, Esq.,*  
for the General Counsel.  
*David Barber, Esq. (Davis, Cowell & Bowe)*  
for the Respondent.  
*Robert Katz and Jennifer Gitter, Esqs. (Torkildson, Katz, et al.),*  
for the Charging Party.

**ERRATA**

On January 18, 2017, I issued my Decision in the above entitled matter with an inadvertent error in the Order as follows:

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days after service by the Region, post at its offices in Honolulu, Hawaii, copies of the attached notice marked “Appendix” **in both English and Spanish**. Copies of the notice, on forms provided by the Regional Director for Subregion 37, after being signed by the Respondent’s authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees and members are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees and members by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

Pursuant to the General Counsel’s Motion to Correct the Order in the above-styled decision, which was unopposed by Respondent, I hereby correct the Order and the above referenced section should read:

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days after service by the Region, post at its offices in Honolulu, Hawaii, copies of the attached notice marked "Appendix"<sup>68</sup> **in both English, Ilocano and Tagalog**. Copies of the notice, on forms provided by the Regional Director for Subregion 37, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees and members<sup>69</sup> are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees and members by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

In addition, the last paragraph of the Appendix was issued with the same inadvertent error as follows:

#### APPENDIX

##### NOTICE TO EMPLOYEES AND MEMBERS

POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice...

**WE WILL**, within 14 days after service by the NLRB's Subregion 37, post at our offices in Honolulu, Hawaii, copies of this notice marked "Appendix" **in both English and Spanish** advising you of your Section 7 rights.

\_\_\_\_\_  
UNITE HERE! LOCAL 5

(Employer)

Dated \_\_\_\_\_ By \_\_\_\_\_  
(Representative) (Title)

<sup>68</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

<sup>69</sup> The notice should be addressed to "EMPLOYEES AND MEMBERS" where a union violates the Act in a manner that affects both members and nonmembers. *Postal Workers Local 735 (Postal Service)*, 342 NLRB 545 (2004).

Therefore, the Appendix, which must be posted by Respondent, shall now read:

APPENDIX

NOTICE TO EMPLOYEES AND MEMBERS

POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union  
Choose representatives to bargain on your behalf with your employer  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

**WE WILL NOT** block your ingress or egress to the entrance or exit of the Aston Waikiki Hotel's porte cochere.

**WE WILL NOT** in any other manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**WE WILL**, within 14 days after service by the NLRB's Subregion 37, post at our offices in Honolulu, Hawaii, copies of this notice marked "Appendix" **in both English, Ilocano and Tagalog** advising you of your Section 7 rights.

\_\_\_\_\_  
UNITE HERE! LOCAL 5

(Employer)

Dated \_\_\_\_\_ By \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

National Labor Relations Board  
Subregion 37  
300 Ala Moana Blvd., Rm. 7-245  
P.O. Box 50208  
Honolulu, HI 96850-7245  
(808) 541-2814, Hours of Operation: 8:00 a.m. to 4:30 p.m (HAT)

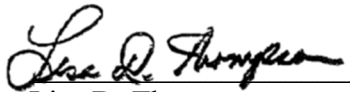
The Administrative Law Judge's decision can be found at [www.nlr.gov/case/20-CB-163657](http://www.nlr.gov/case/20-CB-163657) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**  
THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE  
DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY  
OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE  
WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S  
COMPLIANCE OFFICER, (808) 541-2814.

**SO ORDERED.**

Dated: Washington, D.C., February 6, 2017.

  
Lisa D. Thompson  
Administrative Law Judge